S.B.CIVIL WRIT PETITION NO.460/2005.

Satish Kumar Nagpal Vs. The State of Rajasthan & ors.

DATE OF ORDER : 24.03.2005.

HON'BLE MR. R.P. VYAS, J.

Mr.V.K. Sharma for the petitioner(s).

The instant petition has been filed by the petitioner with a prayer that the impugned orders dated 10.6.2004 (Annexure 4) and 21.6.2004 (Annexure 5) passed by the respondents may be quashed and set aside and the respondents may also be directed to take the petitioner on duty at the same place i.e. at District Sri Ganganagar.

The petitioner while working as Inspector, Land Record, was transferred vide order dated 5.7.2003 (Annexure 3) from Sri Ganganagar to Tehsil Sri Ganganagar.

Thereafter, the petitioner was again transferred vide order dated 10.6.2004 (Annexure 4) from Tehsil Ganganagar to Tehsil Sri Vijaynagar. Since the petitioner was on leave at that time, he did not join his duties at the transferred place.

The petitioner has again been transferred vide order

dated 21.6.2004 (Annexure 5) from District Sri Ganga Nagar to District Churu by the respondent No.2.

The arguments raised by the learned counsel for the petitioner is that the petitioner is a handicapped person. The petitioner has joined his services at his transferred place on 1st February, 2005. It is submitted by the learned counsel for the petitioner that being aggrieved by the impugned order of transfer, the petitioner has made an application dated 25.8.2004 (Annexure 7) to the respondent No.2, requesting therein that the order dated 21.6.2004 (Annexure 5) may be cancelled and he may be posted at nearby places to Sri Ganganagar. It is also submitted by the learned counsel for the petitioner that the respondent No.2 has rejected the application submitted by the petitioner.

During the course of arguments, it has been requested by the learned counsel for the petitioner that the respondent No.2 be directed to consider the representation of the petitioner. Since the request of the petitioner is only for consideration of the representation, therefore, the instant petition is disposed of at this stage by giving a direction to the respondent No.2 to consider the representation of the petitioner in accordance with law only.

Thus, this writ petition filed by the petitioner is disposed of in the manner that the petitioner is directed to file a fresh representation (if he is so advised) before the respondent No.2 within a period of 15 days from today. The respondent No.2 shall consider his representation and decide the same, either way, strictly in accordance with law, within one month from the date of receipt of the aforesaid representation. If it is found that the petitioner is entitled for any relief, in accordance with law, then the same may be given to him and if the petitioner is not entitled to the relief sought for, then a reasoned and speaking order, strictly in accordance with law, may be passed.

(R.P.VYAS)J.

Anil/